



# The Attorney General of Texas

December 22, 1982

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Attorney General

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Mr. Harvey Davis  
Executive Director  
Texas Department of Water Resources  
P. O. Box 13087, Capitol Station  
Austin, Texas 78711

Open Records Decision No. 337

Re: Department of Water  
Resources investigation report  
on groundwater contamination

Dear Mr. Davis:

You have asked whether two reports may be withheld from public disclosure under section 3(a)(13) of the Open Records Act, article 6252-17a, V.T.C.S., which excepts from required disclosure:

geological and geophysical information and data  
including maps concerning wells, except  
information filed in connection with an  
application or proceeding before any agency.

According to its introduction, the first report is a geological evaluation of a landfill in southeastern San Antonio, Texas. It was prepared by a consulting firm for a private individual and submitted by that individual to the Department of Water Resources in order to assist the department in evaluating groundwater contamination in the area and in settling upon possible remedial measures. Included in the report are, inter alia, descriptions of the site geology and discussions of a field reconnaissance of the area, as well as various maps, charts, and tables. The second report is a supplemental report which includes "information concerning the explorative borings, the operations plan, monitoring systems and water absorption." It also contains maps, charts and illustrations, and tables.

Only one prior Open Records Decision discusses the applicability of section 3(a)(13). In Open Records Decision No. 312 (1982), we held that certain reports, studies, evaluations, etc., containing geological information relating to certain properties held by the Lower Colorado River Authority were excepted from required disclosure under this section. There, we deemed it unnecessary to "determine the precise reach" of section 3(a)(13), because we concluded that the information in question would be characterized as geological and geophysical information and data "under any reasonable reading of the section."

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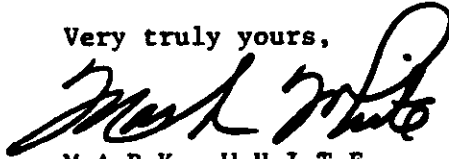
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We believe the same is true here. We have examined both reports at some length, and we are persuaded that without undertaking an exhaustive analysis of section 3(a)(13) we may conclude that the information contained in these reports constitutes "geological and geophysical information and data including maps" within the plain meaning of this section. You do not indicate that any of this information has been "filed in connection with an application or proceeding before any agency." We therefore conclude that these reports may be withheld from disclosure.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark White", written in a cursive style.

MARK WHITE  
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